

REMARKS

I. Rejections Based on 35 U.S.C. § 103

In the Office Action, the Examiner rejected Claims 1-21 previously on file as being unpatentable over Weth. Applicant has cancelled Claim 2 without prejudice or disclaimer. With respect to Claims 1 and 3-21, Applicant respectfully submits that these are not obvious in light of the cited reference.

a. Claims 1 and 3-20

Claim 1, upon which Claims 3-13 directly or indirectly depend, has been amended to more patentably distinguish over the cited prior art. In this regard, Claims 1 now recites the step of positioning a person having an inflammatory musculoskeletal connective tissue disorder "between approximately one foot and approximately twenty feet" from the "container" that holds the transducer. Support for this amendment may be found in the Specification. See Figure 1; Detailed Description of the Preferred Embodiments, p. 10, lines 19-24 ("The person 18 may be positioned at any distance relative to the transducer 10/container 12 that is determined to be therapeutically beneficial. Tests have indicated that benefit is provided within a range of from approximately one foot to approximately twenty feet -- though benefit may be provided outside of this range as well as at any point within this range.").

This step is not disclosed in Weth. The embodiment of the apparatus of Weth cited by the Examiner discloses the container (1) portion being positioned so as to contact the body of the person to be treated with that device. See, e.g. Figure 1. Weth does not

disclose the positioning of a container having liquid displaced therein and a transducer positioned in the liquid remote from the body of the person to be treated. According to tests conducted by Applicant, and as now claimed in Claim 1, benefit is provided when waves are transmitted with the container positioned between approximately one and twenty feet from the body -- i.e., when the container is remote from and not in physical contact with the person.

Still further, there is no disclosure in Weth of the particular distance range now claimed in Claim 1 and in Claim 14 -- or of the more specific ranges claimed in Claims 3-6. Relatedly, there is no disclosure in Weth of the exposure of the person to acoustic waves over the periods of time claimed in Claims 1, 8-10, and 14-20 or at the specific frequency ranges claimed in Claims 11-20.

Applicant respectfully submits that such features are not obvious in light of Weth. Because Weth teaches the application of the container to the body of the person, Weth actually teaches away from the remote positioning of the container relative to the person being treated. With respect to the period of time during which exposure takes place, Weth discloses the use of a single pulse-type wave having a duration that "preferably should not exceed 70 ms" (Col. 3, lines 31-32) -- i.e., an exposure of extremely short duration. Thus, Weth teaches away from the type of sustained exposure claimed in Claims 8-10 and 14-20.

b Claim 21

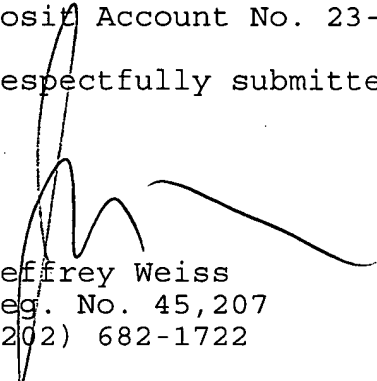
Applicant respectfully traverses the rejection of Claim 21 based on Weth. Applicant notes that Claim 21 includes the step of positioning at least a portion of the body of a person "in" the liquid and transducer containing container. The container (1) of Weth is disclosed as being positioned outside the body of the person being treated, and there is no disclosure in Weth of a container having sufficient dimension to be able to receive a portion of the body of a person therein for treatment. Accordingly, Applicant respectfully submits that Claim 21 is not obvious in light of Weth.

Applicant respectfully submits that Applicant's Claimed Invention is deserving of patent protection because it describes a useful and functional method which patentably distinguishes over the cited prior art. In conclusion, Applicant respectfully submits that this Amendment, including the amendments to the Claims and in view of the Remarks offered in conjunction therewith, are fully responsive to all aspects of the objections and rejections tendered by the Examiner in the Office Action. Applicant respectfully submits that he has persuasively demonstrated that the above-identified Patent Application, including Claims 1 and 3-21 is in condition for allowance. Such action is earnestly solicited.

If in the view of the Examiner the foregoing does not place the case in condition for immediate allowance, the Examiner is respectfully requested to contact the undersigned for purposes of conducting a telephone interview.

If there are any fees incurred by this Amendment Letter,
please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,



Jeffrey Weiss
Reg. No. 45,207
(202) 682-1722

Claim Amendments - Version With Markings to Show Changes Made

Claim 1 (Amended) A method for treating inflammatory musculoskeletal connective tissue disorders comprising the steps of:

providing a low frequency sonic transducer;

immersing said low frequency sonic transducer in a liquid-containing container;

positioning a person having an inflammatory musculoskeletal connective tissue disorder a therapeutically beneficial distance from said [low frequency sonic transducer] container;

wherein said therapeutically beneficial distance is between approximately one foot and approximately twenty feet from said container; and

exposing said person for a therapeutically beneficial period of time to acoustic waves from said low frequency sonic transducer at a therapeutically beneficial frequency.

Claim 3 (Amended) The method of Claim 1 [2] wherein said therapeutically beneficial distance is approximately one foot from said container [low frequency sonic transducer].

Claim 4 (Amended) The method of Claim 1 [2] wherein said therapeutically beneficial distance is approximately five feet from said container [low frequency sonic transducer].

Claim 5 (Amended) The method of Claim 1 [2] wherein said therapeutically beneficial distance is approximately ten feet from said container [low frequency sonic transducer].

Claim 6 (Amended) The method of Claim 1 [2] wherein said therapeutically beneficial distance is approximately twenty feet from said container [low frequency sonic transducer].

Claim 14 (Amended) A method for inflammatory musculoskeletal connective tissue disorders comprising the steps of:

providing a low frequency sonic transducer;

immersing said low frequency sonic transducer in a liquid-containing container;

positioning a person having an inflammatory musculoskeletal connective tissue disorder between approximately one foot and approximately twenty feet from said container [low frequency sonic transducer]; and

exposing said person for between approximately fifteen minutes and forty-five minutes to acoustic waves from said low frequency sonic transducer at approximately six hundred Hertz.